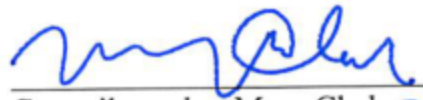
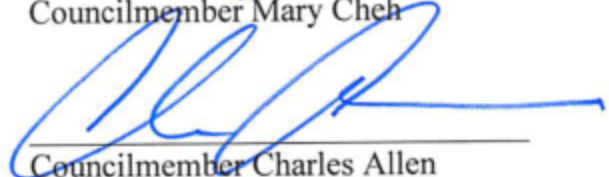



Councilmember Anita Bonds


Councilmember Brandon T. Todd


Councilmember Elissa Silverman


Councilmember Mary Cheh


Councilmember Charles Allen


Councilmember Brianne K. Nadeau


Councilmember David Grosso

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to serve a written notice to vacate on a tenant and the Rent Administrator before evicting the tenant for nonpayment of rent, to prohibit a housing provider from filing a claim to recover possession of a rental unit for the nonpayment of rent unless the housing provider has provided the tenant with at least 30 days' written notice of its intent to do so, to prohibit housing providers from filing claims to recover possession of a rental unit for the non-payment of rent unless providing the tenant 30 days' notice of their intent to do so; to require the Court to seal certain eviction records; to authorize the Court to seal certain evictions records upon motion by a defendant, to amend the Human Rights Act of 1977 to prohibit discrimination in housing based on a person having a sealed eviction record, and to prohibit conditioning real estate transactions and other terms or conditions of housing on disclosure of a sealed eviction record.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eviction Record Sealing Authority Amendment Act of 2019".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

Wm. G. L.

Wm. G. L.

Wm. G. L.

Wm. G. L.

Wm. G. L.

(a) Section 501 (D.C. Official Code § 42-3505.01) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Striking the phrase “any reason other than the nonpayment of rent” and inserting the phrase “any reason” in its place.

(B) Striking the phrase “vacate for all reasons other than for nonpayment of rent” and inserting the phrase “vacate” in its place.

(2) A new subsection (a-1) is added to read as follows:

“(a-1) (1) A housing provider shall provide the tenant with notice of the housing provider’s intent to file a claim against a tenant to recover possession of a rental unit for the non-payment of rent at least 30 days before filing the claim.

“(2) Notice provided to a tenant under subsection (b) of this section shall not be considered notice of the housing provider’s intent to file claim against a tenant as required under this subsection.

“(3) The court shall dismiss a claim brought by a housing provider to recover possession of a rental unit for the non-payment of rent where the housing provider:

“(A) Did not provide the tenant with notice as required by this subsection;

or

“(B) Filed the claim to recover possession of the rental less than 30 days after providing the tenant with notice as required by this subsection.”

(b) A new section 509 is added to read as follows:

“Sec. 509. Sealing of eviction court records.

“(a) The court shall seal all court records relating to an eviction proceeding within:

“(1) Thirty days after the final resolution of any proceeding not resulting in a judgment for possession in favor of the housing provider; or

“(2) Three years after the resolution of a housing provider’s claim to recover possession of a rental unit from a tenant, regardless of the final disposition of the proceeding.

“(b) The court may seal court records relating to an eviction proceeding prior to the end of the time periods described in subsection (a) upon motion by a defendant tenant where the tenant demonstrates by a preponderance of the evidence that:

“(1) The judgment in favor of the housing provider is for an amount of \$500 or less;

“(2) The tenant was evicted from a unit under any federal or District site-based housing subsidy program, or any federal or District tenant-based housing subsidy program;

“(3) The housing provider violated Part C of Title II of the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.21 *et seq.*), in relation to the defendant tenant, and sought to recover possession of the tenant’s rental unit in response to the tenant pursuing a remedy for the violation permitted under District law;

“(4) The housing provider violated 14 DCMR § 100 *et seq.* or 12G DCMR 100 *et seq.* in relation to the defendant tenant’s unit;

“(5) The housing provider sued for eviction following an incident that would be a defense to an action for possession under section 501(c-1) or federal law pertaining to domestic violence, dating violence, sexual assault, or stalking;

“(6) The housing provider violated the prohibition on retaliatory evictions under section 502 in the filing of the lawsuit to recover possession of the tenant’s rental unit;

“(7) The parties entered into a settlement agreement that did not result in the housing provider recovering possession of the unit; or

“(8) The court determines that there are other grounds justifying such relief.

“(c) Upon written request, the Clerk of the Court shall provide access to a record sealed under this section to the defendant.”.

Sec. 3. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase “source of income” and inserting the phrase “source of income, sealed eviction record” in its place.

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended by inserting a new paragraph (27A) to read as follows:

“(27A) “Sealed eviction record” means an eviction record that has been sealed pursuant to section 509 of The Rental Housing Act of 1985, as introduced on DATE 2019 (Bill 23-XXX).”.

(c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “source of income” and inserting the phrase “source of income, sealed eviction record” in its place.

(2) A new subsection (g) is added to read as follows:

“(g) Sealed eviction records. —

“(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or subsection (b) of this section based on the actual knowledge or belief that a person has a sealed eviction record.”.

“(2) It shall be an unlawful discriminatory practice to require a person to disclose a sealed eviction record as a condition of:

“(A) Entering into any transaction in real property;

“(B) Inclusion of any clause, condition, or restriction in the terms of a transaction in real property;

“(C) Appraisal of a property, agreement to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan, accept a deed of trust or mortgage, or otherwise make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair, or maintenance of real property; or to provide title or other insurance relating to ownership or use of any interest in real property;

“(D) Access to facilities, services, repairs, or improvements for a tenant or lessee; or

“(E) Access to, or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting residential real estate, including in terms or conditions of access, membership or participation in any such organization, service, or facility.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of congressional review as

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.